HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3661 of 2006

Dated:14.09.2006

Between:

Mohd.Abdul Khaiyoom.

…Petitioner

and

The A.P.State Wakf Board, and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3661 of 2006

ORDER:

The petitioner filed the instant Writ Petition challenging the proceedings of the first respondent dated 30.01.2006 appointing the third respondent as Mutawalli of Pyas-Ka-Panja-Ashoorkhana, Vijayawada. It is the case of the petitioner that after the death of the erstwhile Mutawalli, the Wakf Board has taken the Ashoorkhana under its control about eighteen years ago. The third respondent herein submitted a representation on 06.08.2005 claiming herself to be the daughter of the earlier Mutawalli. By that time, the petitioner's application dated 11.06.2005 was also pending. Without conducting any enquiry the first respondent while rejecting the claim of the petitioner for appointment of Mutawalli, appointed the third respondent as Mutawalli, even though she did not produce any documents claiming hereditary Mutawalliship.

After hearing the learned Counsel for the petitioner, learned Standing Counsel for respondents 1 and 2 and learned Counsel for the third respondent, this Court is of considered opinion that there is a dispute as to the credentials of the third respondent to claim towliath to the subject Institution, which requires appreciation of evidence. Such a dispute can be effectively adjudicated by the State Wakf Tribunal

constituted under Section 83 of the Wakf Act, 1995.

Therefore, while ordering *status quo* as on today, liberty is given to the petitioner to file an application/appeal before the Andhra Pradesh State Wakf Tribunal within a period of two weeks from the date of receipt of a copy of this order. As and when such application is filed, the learned Tribunal may entertain the same and pass appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

14.09.2006
vs